

Notice of Allowability**Application No.**

08/469,612

Applicant(s)

HARVEY ET AL.

Examiner

SON P. HUYNH

Art Unit

2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 03/01/2002.
2. ☒ The allowed claim(s) is/are 3,5,6 and 21 that have been renumbered as 1-4.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 3/2/10
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Son P Huynh/
Primary Examiner, Art Unit 2424

March 2, 2010

DETAILED ACTION

1. A double patenting administrative requirement is not being required by the examiner in the instant application since the examiner has independently conducted a double patenting analysis of the claims in the instant application.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Applicant's representative, Carl Benson (Reg. No. 38,378) on March 2, 2010.

The application has been amended as follows:

1-2. (Cancelled)

3. (Currently amended) A method of controlling a receiver station including the steps of:

programming a processor at the receiver station to control scanning of a sequence of channels;

detecting one of a presence and an absence of a ~~broadcast~~ signal in a first transmission transmitted ~~from over~~ a first ~~remote station~~ channel of said sequence of channels;

selecting a ~~cablecast signal~~ second channel from said sequence of channels for reception of a second transmission based on said step of detecting, said ~~cablecast signal~~ second transmission being transmitted ~~from a over said~~ second ~~remote station~~ channel; and

~~receiving said cablecast signal~~ tuning a first receiver at said receiver station to said second channel based on said step of selecting;

detecting an instruct signal embedded in a television program being transmitted in said second transmission;

automatically activating a second receiver at said receiver station in response to detecting said instruct signal;

tuning said second receiver to a predetermined channel for receiving content related to said television program in accordance with said instruct signal, wherein said television program and said content related to said television program are received at said receiver station from separate communication networks;

playing said television program and said content related to said television program at said receiver station in accordance with said instruct signal, wherein the step of playing comprises overlaying a graphic of said content related to said television program on a television.

4. (Cancelled).

5. (Currently amended) The method of claim 3, ~~further comprising the steps of:~~
wherein said first transmission and said second transmission are transmitted over said
first channel and said second channel in said sequence of channels from different
sources

~~controlling a switch to select a cablecast signal input; and~~

~~communicating a signal from said selected cablecast signal input to a receiver.~~

6. (Currently amended) The method of claim [4] ~~3~~, ~~further comprising the steps~~
~~of:~~ wherein said sequence of channels includes broadcast channels and cablecast
channels and said step of tuning said first receiver comprises

~~controlling a switch to select a broadcast signal input; and~~

~~communicating a signal~~ said second transmission ~~from said selected broadcast~~
signal input to [a] said first receiver.

7-20. (Cancelled)

21. (Currently amended) A method of controlling at least one receiver station,
~~said at least one receiver station in a network having a plurality of receiver stations, said~~
~~at least one receiver station including one of a broadcast and a cablecast signal~~
receiver, at least one processor, a signal detector, ~~said signal detector adapted to~~

~~receive~~ for receiving signals from said one of a broadcast and a cablecast signal at least one receiver, and said processor programmed to respond to signals from said detector to control scanning of a sequence of channels, said method comprising the steps of:

receiving at ~~one of a broadcast and a cablecast~~ transmitter station an instruct signal which ~~is effective at~~ controls said at least one receiver station to ~~perform one of the group consisting of:~~

(a) ~~selecting and receiving a cablecast signal based on one of a presence and absence of a broadcast signal; and~~

(b) ~~selecting and receiving a broadcast signal based on one of a presence and absence of a cablecast signal~~ tune said receiver to a second channel;

~~transferring transmitting~~ said instruct signal ~~to a from said transmitter station to said receiver station over a first channel of said sequence of channels, wherein said instruct signal is embedded in a television signal being transmitted over said first channel;~~

detecting said instruct signal received at said receiver station;

automatically activating a second receiver at said receiver station in response to detecting said instruct signal;

tuning said second receiver to said second channel for receiving content related to a television program in accordance with said instruct signal, wherein said television program and said content related to said television program are received at said receiver station from separate communication networks;

playing said television program and said content related to said television program at said receiver station in accordance with said instruct signal, wherein the step of playing comprises overlaying a graphic of said content related to said television program on a television.

~~receiving at least one control signal at said one of a broadcast and a cablecast transmitter station, said at least one control signal designating said at least one receiver station of said plurality of receiver stations in which said instruct signal is addressed; and~~

~~transferring said at least one control signal to said transmitter, said one of a broadcast and a cablecast transmitter station one of broadcasting and cablecasting said instruct signal and said at least one control signal to said plurality of receiver stations.~~

22-28. (Cancelled)

Allowable Subject Matter

3. Claims 3, 5-6, 21 are allowed.
4. The following is an examiner's statement of reasons for allowance:

Regarding claims 3,5-6,21, the prior art of record fails to disclose or fairly suggests the method of controlling a receiver station comprising features as variously claimed

including programming a processor at the receiver to control scanning of a sequence of channels, and the receiver at the receiver station, in response to detecting an instruct signal embedded in the television program from the transmitter station over a first channel of the sequence of channels, automatically activating a second receiver at said receiver station to tune to a predetermined channel for receiving content related to a television program in accordance with the instruct signal, the television program and content related to the television are received at the receiver station from separate communication networks, and playing the television program and the content related to the television program at the receiver station in accordance with instruct signal, wherein the step of playing comprises overlaying a graphic of the content related to the television program on a television screen.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON P. HUYNH whose telephone number is (571)272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Son P Huynh/
Primary Examiner, Art Unit 2424

March 2, 2010